



Attorney Docket No. 5031-198CT

DAC
Ifw
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Richard Samsel
Application Serial No.: 10/765,404
Filed: January 26, 2004
For: *STORAGE CABINET WITH LOCKING SYSTEM HAVING DUEL RELEASE MEMBERS*
Examiner: Jack W. Lavinder
Group Art Unit: 3677
Confirmation No.: 2204
Date: January 3, 2007

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.137(b)

Sir:

This petition under 37 C.F.R. § 1.137(b) for revival of the above-identified application is submitted in response to the Notice of Abandonment, mailed December 14, 2006 ("Notice") for failure to timely file a proper reply to the Office Action mailed on May 16, 2006.

Applicant hereby submits a copy of the Amendment and Response to Office Action originally filed with the United States Patent and Trademark Office ("USPTO"), on August 15, 2006. The Amendment and Transmittal sent therewith were clearly received as the USPTO return post card receipt of above-mentioned documents. Applicant also encloses a copy of the postcard with the USPTO mailroom date stamp showing receipt on August 18, 2006 at the USPTO.

Applicant respectfully requests that the present application be revived, and that the submission of the Amendment be accepted.

Applicant notes that, as this abandonment was made due to USPTO error, no fee is necessary. However, the Commissioner is hereby authorized to charge the Deposit Account 50-0220 any additional fees believed to be due.

Respectfully submitted,

James R. Cannon
James R. Cannon
Registration No. 35,839

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 3, 2007.

Signature: *Joyce Paoli*
Joyce Paoli



MS Am O
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

IRC
08-24-06A08:58

Date: **8-15-06**
Doc. No. **10/265,404**
Serial No. **5031-1985**
Inventor: **Samuel**

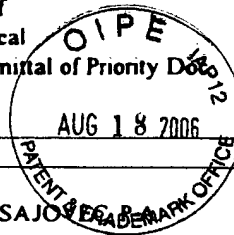
Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

Application Transmittal and:

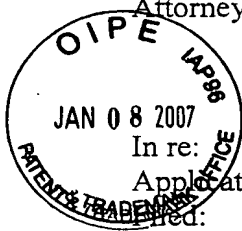
Specification pages _____
No. of Claims _____
Declaration & POA _____
Assignment and Fee _____
Small Entity Statement _____
Formal Drawings/ sheets _____
Associate Power of Attorney _____
Exp. Mail ☒ 1st Class Mail

☒ Check \$ **200.00**
IDS & PTO-1449 & _____ refs.
☒ Amendment & Amend. Transmittal
Preliminary Amendment _____
Issue Fee _____
Brief _____
Appeal _____
Submittal of Priority Docs _____

Other: _____



Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOV
Attorneys for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Richard Samsel;
 Application No.: 10/756,404
 Filed: January 26, 2004

Group Art Unit: 3677
 Confirmation No.: 2204
 Examiner: Jack W. Lavinder

For: STORAGE CABINET WITH LOCKING SYSTEM HAVING DUAL RELEASE MEMBERS

Date: August 15, 2006

MAIL STOP AMENDMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an AMENDMENT in the above-identified patent application.

☒ Applicant claims small entity status. See 37 CFR §1.27.

☐ No additional fee is required.

☒ The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
Total	10	20	= 0	x 25=	\$	x 50=	\$.00
Indep	4	3	= 1	x100=	\$	x200=	\$ 200.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+180=	\$	+360=	\$
				Total Add. Fee \$		OR Total	\$ 200.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

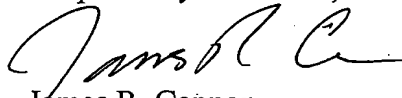
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

Attorney Docket No.: 5031-198CT
Application No.: 10/756,404
Filed: January 26, 2004
Page 2

- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ ____ for ____.
- ☒ A check in the amount \$200.00 to cover additional claim is enclosed.
- ☒ The Commissioner is hereby authorized to charge the appropriate fees associated with this communication or credit any overpayment to Deposit Account No. 50-0220.

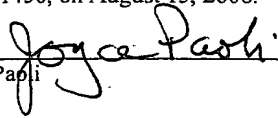
Respectfully submitted,


James R. Cannon
Registration No. 35,839

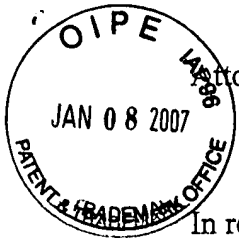
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on August 15, 2006.



Joyce Pauli



Attorney's Docket No. 5031-198CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Richard Samsel

Group Art Unit: 3677

Serial No.: 10/756,404

Examiner: Jack W. Lavinder

Filed: January 26, 2004

For: **STORAGE CABINET WITH LOCKING SYSTEM HAVING DUAL
RELEASE MEMBERS**

Date: August 15, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION
DATED JANUARY 13, 2006

Sir:

Applicant provides the following response to the Office Action of January 13, 2006 (the Action).

If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefore. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

For the Examiner's convenience, a **Listing of the Claims** is provided, beginning on page 2 below.

Remarks begin on page 5 below.

Listing of the Claims

This listing of claims will replace all prior versions and listings of claims in the application.

1-25. (canceled).

26. (previously presented) A storage cabinet comprising:

a container having a floor, upright side walls and a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said floor, side walls, rear wall, and ceiling defining a storage cavity;

a vertical support member extending upwardly from said floor;

two doors, each pivotally attached to the cabinet on opposite sides of the support member, and each movable about respective pivot axes located on opposite sides of the support member between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said door contacts said support member and prevents access to said cavity from a position forward thereof; and

a latching mechanism attached to said support member, said latching mechanism including at least one release member protruding forwardly from said support member, the at least one release member being movable from a latched position to an unlatched position;

wherein said doors may be transitioned from a latched condition, in which said latching mechanism latches said doors in the closed position in which the doors are in side-by-side relationship, to an unlatched condition, in which said latching mechanism allows said doors to move to the open position, by moving the at least one release member from its latched position to its unlatched position.

27. (original) The cabinet defined in Claim 26, wherein the at least one release member is mounted between about 3 and 24 inches above a surface underlying the cabinet.

28. (original) The cabinet defined in Claim 27, wherein the at least one release member is two release members, and one of the release members is mounted between about 48 and 72 inches above a surface underlying the cabinet.

29. (previously presented) The cabinet defined in Claim 26, wherein the at least one release member is two release members, and wherein the release members are coupled such that movement of one of the release members to the unlatched position moves the other release member to the unlatched position.

30. (previously presented) A storage cabinet comprising:
a container having a floor, upright side walls and a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said floor, side walls, rear wall, and ceiling defining a storage cavity;
two doors, each pivotally attached to the cabinet on opposite sides thereof, and each movable about respective pivot axes located on opposite sides of the cabinet between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said doors prevent access to said cavity from a position forward thereof; and
a latching mechanism fixedly mounted relative to the container, said latching mechanism including at least one release member protruding forwardly from the container, the at least one release member being movable from a latched position to an unlatched position;
wherein said doors may be transitioned from a latched condition, in which said latching mechanism latches said doors in the closed position in which the doors are in side-by-side relationship, to an unlatched condition, in which said latching mechanism allows said doors to move to the open position, by moving the at least one release member from its latched position to its unlatched position.

31. (canceled).

32. (currently amended) The cabinet defined in Claim ~~34~~ 30, wherein the at least one release member is two release members, and one of the release members is mounted between about 48 and 72 inches above a surface underlying the cabinet.

33. (canceled).

34. (new) A storage cabinet comprising:

a container having a floor, upright side walls and a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said floor, side walls, rear wall, and ceiling defining a storage cavity;

two doors, each pivotally attached to the cabinet on opposite sides thereof, and each movable about respective pivot axes located on opposite sides of the cabinet between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said doors prevent access to said cavity from a position forward thereof; and

a latching mechanism fixedly mounted relative to the container, said latching mechanism including at least one release member protruding forwardly from the container, the at least one release member being movable from a latched position to an unlatched position;

wherein said doors may be transitioned from a latched condition, in which said latching mechanism latches said doors in the closed position in which the doors are in side-by-side relationship, to an unlatched condition, in which said latching mechanism allows said doors to move to the open position, by moving the at least one release member from its latched position to its unlatched position; and

wherein the at least one release member is two release members, and wherein the release members are coupled such that movement of one of the release members to the unlatched position moves the other release member to the unlatched position.

35. (new) The cabinet defined in Claim 34, wherein one of the release members is mounted between about 48 and 72 inches above a surface underlying the cabinet, and wherein

the other of the release members is mounted between about 3 and 24 inches above the surface underlying the cabinet.

36. (new) A storage cabinet comprising:

a container having a floor, upright side walls and a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said floor, side walls, rear wall, and ceiling defining a storage cavity;

two doors, each pivotally attached to the cabinet on opposite sides thereof, and each movable about respective pivot axes located on opposite sides of the cabinet between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said doors prevent access to said cavity from a position forward thereof; and

a latching mechanism fixedly mounted relative to the container, said latching mechanism including at least one release member protruding forwardly from the container, the at least one release member being movable from a latched position to an unlatched position;

wherein said doors may be transitioned from a latched condition, in which said latching mechanism latches said doors in the closed position in which the doors are in side-by-side relationship, to an unlatched condition, in which said latching mechanism allows said doors to move to the open position, by moving the at least one release member from its latched position to its unlatched position; and

wherein the at least one release member is mounted between about 3 and 24 inches above a surface underlying the cabinet.

37. (new) The cabinet defined in Claim 36, wherein the at least one release member is two release members, and one of the release members is mounted between about 48 and 72 inches above a surface underlying the cabinet.

REMARKS

I. Status of the Application

At the time of the Action, Claims 26-33 were pending. Claims 27-29 and 31-33 were indicated to be allowable. Claim 31 has been canceled, its subject matter having been incorporated into new Claim 36; Claim 36 should now be allowable. Claim 33 has also been canceled, its subject matter having been incorporated into new Claim 34, which should also be allowable. Claims 26 and 30 stand rejected under Section 103(a). This rejection is addressed below.

II. The Section 103(a) Rejection

The Action rejects Claims 26 and 30 as rendered obvious under Section 103(a) based on U.S. Patent No. 1,847,564 to Hood (Hood) in combination with U.S. Patent No. 3,601,437 to Lyons (Lyons). The Action states that Hood discloses all of the elements of Claim 26 with the exception of a single release member for actuating both latches simultaneously in order to open both doors at the same time. Lyons is cited for the disclosure of two latches 60 (Figures 1 and 2 of Lyons) that can be activated with a single pull handle 76. Based on these teachings, the Action concludes that Claims 26 and 30 would have been obvious to one of ordinary skill in this art, and rejects this claim under Section 103(a).

In response, Applicants note that Hood is directed to a refrigerator. As is well-known, it is undesirable for the doors of a refrigerator to open unless some item is to be placed inside of or removed from the cavity of the refrigerator; otherwise, the cooling air of the refrigerator can escape, thereby reducing the cooling effect of the refrigerator. Thus, it would be undesirable for a refrigerator door to open unless the user was planning to place or remove an item from the refrigerator.

Turning now to the rejection, the Action states that it would have been obvious to use the latch arrangement disclosed in Lyons, which includes two latches 60 that can be opened with a single external handle 76, on the refrigerator of Hood. However, even if the latch arrangement of Lyons could be somehow mounted to the Hood refrigerator for use, it would be undesirable to

do so, as actuation of the handle 76 would cause both refrigerator doors to open at the same time. As discussed above, unless the user planned to place or remove items from both cavities at the same time, one of the doors would open unnecessarily and, in the case of a refrigerator, undesirably, because the cooling effect inside the unnecessarily-opened cavity would be disadvantageously reduced. Thus, Applicant submits that the ordinarily skilled artisan would not have combined Hood and Lyon because the undesirability of both refrigerator doors opening at the same time would have been recognized.

In addition, neither Lyon nor Hood provides any guidance about how the Hood latching mechanism would be modified to have a release lever that enables both doors to open.

In view of the foregoing, Applicant respectfully requests that the rejections of Claims 26 and 30 under Section 103(a) based on Hood and Lyon be withdrawn.

In addition, Claim 26 recites that the at least one release member protrudes "forwardly from the support member." The Action cites foot pieces 26 as meeting the recitation of "at least one release member" in Claim 26. However, the foot pieces 26 do not "protrude forwardly from the support member"; instead, they protrude from a position underneath the refrigerator well below the partition between the doors. As such, Applicants submit that the foot pieces do not meet this additional recitation of Claim 26, which is free of the art of record for this additional reason.

Serial No. 10/765,404
Filed January 26, 2004
Page 8 of 8

III. Conclusion

Inasmuch as all of the outstanding issues raised in the Action have been addressed, Applicants respectfully submit that the application is in condition for allowance, and requests that it be passed to allowance and issue.

Respectfully submitted,

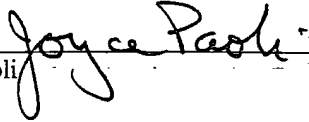
James R. Cannon
Registration No. 35,839

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer Number 20792

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 15, 2006.

Joyce Paoli

A handwritten signature in cursive script, reading "Joyce Paoli", written over a horizontal line.